

# APPENDIX 5

POSTERS: Information Exchanges (Approach #2)

# WELCOME TO THE INFORMATION EXCHANGE

*About Non-Commercial Marine  
Fishing Registry, Permit, or  
License (RPL) Systems*



## PLEASE JOIN US

*for an evening of learning, sharing, and  
discussion of our research.*

**Sincerely the RPL Study Group,**

The following individuals agreed to participate in the Study Group in their individual capacities rather than as official organizational representatives (listed alphabetically):

**Kevin Chang**  
Kua'aina Ulu Auamo (KUA), Executive Director

**Arin Gross**  
J.D. Conservation International,  
Hawai'i Program Manager for Policy and Operations

**Eric Co**  
Harold K.L. Castle Foundation, Senior Program Officer for  
Marine Conservation

**Christopher Hawkins**  
Ph.D. formerly with Western Pacific Regional Fishery  
Management Council, Social Scientist

**Joshua DeMello**  
Western Pacific Regional Fishery Management Council, Fishery  
Analyst

**David Itano**  
Fisheries Consultant

**Frank Farm**  
Ali'i Holo Kai Dive Club

**Jack Kittinger**  
Ph.D. Conservation International,  
Hawai'i Program Director

**Phil Fernandez**  
Hawai'i Fishermen's Alliance for Conservation and Tradition,  
President

**Ed Watanura**  
Wai'alua Boat Club



# E Komo Mai

## WHO WE ARE

We are members of a small study group of fisheries resource managers, experts, and representatives from fisher organizations and nongovernmental groups that have been meeting for the last two years to look into the feasibility of creating a registry, permit, or license in Hawai'i for noncommercial marine fishing.

## WHAT WE DID

Our group published a report which explored different fishing registry, permit, and license options for Hawai'i.

The report identifies areas of alignment and shared goals for a diverse set of people who are interested in ensuring abundant fisheries and non-commercial fishing traditions for future generations in Hawai'i. The report includes a detailed financial and legal analysis of issues that have been major points of dispute in the past. The report may not resolve these issues for everyone, but it provides information about these questions that has not been widely available in the past.

## WE ARE NEUTRAL

Our group has taken a neutral approach to whether there should be a requirement or any preferences for a specific option. Our work is not part of formal government rulemaking, and this outreach is not being conducted by DAR or any other form of government.

## WHY THIS MEETING?

Our work is an attempt to provide the community with the information and tools necessary to have an informed discussion on the pros and cons of a registry, permit, or licensing system. We hope you find it useful and informative.

We recognize that outreach capacity on fishing issues is limited and we have a sincere desire to ensure that fishers' voices are thoroughly gathered and documented, enabling all to make informed decisions about available options.

# Mahalo

in advance for your  
valuable input.



# THE STUDY An Overview



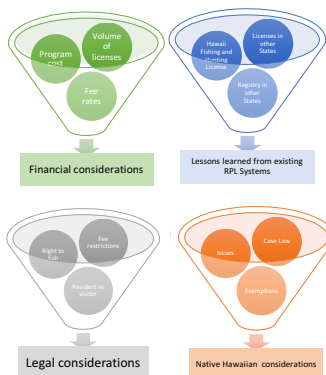
## Is a recreational fishing registry, permit, and license feasible for Hawai'i?

Conducted from May to December 2016, the purpose of the RPL Study Group was only to explore non-commercial fishing Registry, Permit and License (RPL) systems. The group has no collective position on a preferred system.

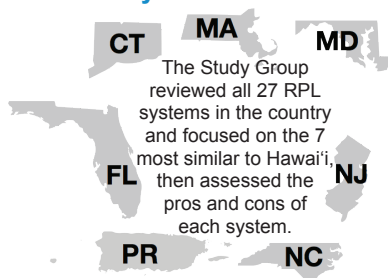
### What we researched

The Study Group invested more than 1,000 hours in research, interviews, legal inquiries etc resulting in a 28-page report and 110 pages of supporting documents. The following factors were considered:

#### ✓ Identified potential issues related to implementing an RPL System



#### ✓ Reviewed other existing RPL Systems in the U. S.



#### ✓ Reviewed existing RPL Systems in Hawai'i

Including Hawai'i's:

- Commercial Marine License
- Recreational Freshwater Game Fishing License
- Hunting License
- Bottom-fish Fishing Vessel Registration

## A. Yes.

### What we learned

The Study Group Report identifies areas of alignment and shared goals for a diverse set of people interested in ensuring abundant fisheries and non-commercial fishing traditions for future generations. The conclusions and recommendations in the report are intended to support informed discussions about the issue.

#### ✓ Asked critical questions:



#### → An RPL System would be legal in Hawai'i under specific conditions with certain parameters.

- Because the right to fish is subject to the State's ability to manage the resources (Article XI, Section 6) *it is unlikely that a license would be ruled unconstitutional.*
- By Federal and State law, any revenue collected from a non-commercial marine fishing license cannot go to the general fund and must **benefit fishers** including for improved education and enforcement.
- Multiple exemptions and waivers could exist for a license, based on age, income, and types of fishing.
- A non-commercial license could distinguish between non-residents and residents.
- A license must consider traditional Native Hawaiian customary rights (i.e. waivers or exemptions)

#### ✓ Compared various RPL Systems on 3 criteria:

**DATA**  
Does it provide additional and better data to support fishery management?

**COMMUNICATION**  
Does it foster more two-way communication between fishers and managers?

**FUNDING**  
Does it create a source of independent, continuous funding to support effective management?

#### → Some RPL Systems are more likely to provide more benefits than others.

**Free License with Fee-Based Permits, Stamps or Tags**

**Fee-Based License with Fee Waivers**

*These two systems were the only ones that met all three criteria. The amount of revenue generated by a fee-based license would depend on the fee amount, admin costs, the # of license holders, and whether fee waivers or exemptions are allowed.*

**Free Mandatory Registration**

*The free registry would meet two of the three criteria. It does not provide funding to support fisheries management.*

**Current System**  
*The existing "Non-RPL" System does not meet any of the 3 criteria.*

# KEY TERMS & RESOURCES

The Study Group identified working definitions for the following key terms to clarify their meanings as used in the context of the study group report, and recognizes that alternative definitions may exist. Below is a summary of Key Terms, and the full list can be accessed in the full report, listed as a URL in the “Resources” section below.

## KEY TERMS:

**License:** A document that gives the holder the right to operate in a fishery according to the terms established by the state regulating that fishery.

**Non-commercial fishing:** Fishing that does not involve or intend to involve the sale of fish for profit. Non-commercial fishing includes sport fishing, recreational fishing, subsistence fishing, and traditional fishing to perpetuate culture and customs. This definition pertains to an activity, and not necessarily to individual fishers who may engage in both commercial and non-commercial fishing.

**Permit:** Unless otherwise specified in this report, a permit is a document that gives the holder the right to engage in activity in a fishery that would otherwise be prohibited by the State of Hawai‘i.

**RPL:** A Registry, Permit, or License system.

**Registry:** A database of fishers managed by a state to collect relevant information about each fisher and contact them for specific fishing-related purposes. Submitting information to a registry may or may not give a fisher specific rights or permissions related to fishing.

**State waters:** Marine waters under the State of Hawai‘i’s police power and management authority, generally considered to extend 3 nautical miles from the shore.

## RESOURCES:

**Full Study Group Report:**

<https://goo.gl/g8tp3m>

**Native Hawaiian Rights Analysis:**

<https://goo.gl/vDsQwj>

**Financial Impact Analysis:**

<https://goo.gl/xvKthr>

**Unique Hawai‘i Law Issues Analysis:**

<https://goo.gl/SmmzSQ>

**Comparison of Other U.S. Coastal States to Hawai‘i:**

<https://goo.gl/cHb6Pz>

## Note-Taking Sheet

This is your space to jot down any questions or ideas that come up as you walk through the Study Group Information Gallery, listen to the overview presentation, or participate in the Information Booths.

This is simply note-taking space provided for your use. This is not a comment sheet.

**DATA**

**COMMUNICATION**

**FUNDING**

**GOVERNMENT PROCESS**



# PLEASE TELL US ABOUT YOUR EXPERIENCE

1. Which information Exchange did you attend? *(Please, check all that apply)*

- ☐ Kauai    ☐ Oahu    ☐ Molokai    ☐ Lanai    ☐ Maui    ☐ Hawaii Island
- 

2. How did you hear about this Information Exchange? *(Please, check one)*

- ☐ Paper flyer *(for example in tackle shops or at harbors)*    ☐ Family, friend, or colleague  
☐ Newspaper ad    ☐ Other: \_\_\_\_\_  
☐ Website *(posting or emailed e-newsletter)*  
☐ Social media *(such as Facebook, Twitter, Instagram)*
- 

3. Did you know anything about the Study Group or its report before coming to this Information Exchange? *(Please, check one)*    ☐ Yes    ☐ No

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4. Did you learn anything new from today's Information Exchange? *(Please, check one)*

- ☐ Yes, I learned something new and the information that was most helpful and/or valuable to me was *(Please, provide some details)* :    ☐ No, I did not learn anything new.
- 

5. The most useful or valuable part of this Information Exchange for me was: *(Please, check one)*:

- ☐ Information Gallery    ☐ Presentation    ☐ Information Booths    ☐ Community Input Workgroup

The least useful or valuable part of this Information for me was *(Please, check one)*

- ☐ Information Gallery    ☐ Presentation    ☐ Information Booths    ☐ Community Input Workgroup
- 

7. After learning about the focus of the meeting today, did you expect to learn something that was not addressed?

*(If yes, please use the space at right to describe what you feel should have been addressed.)*

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8. If more resources were available, what would you change, if anything, about this Information Exchange?

*(Please use this space at right to describe.)*

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9. How likely would you be to attend an information exchange in the future?

- ☐ I definitely would not attend    ☐ I probably would not attend    ☐ I probably would attend    ☐ I definitely would attend
- 

10. Do you think you will share what you learned at the information exchange with friend or family member?

- ☐ Yes    ☐ No

11. Do you feel more informed about the RPL System options after attending this information exchange?

- ☐ Yes    ☐ No

# GROUND RULES

**Please honor this  
neutral space.**

*Understand that this is a place  
for knowledge sharing.*

*Your hosts are here to share information  
they have obtained through their study.*

*They are unable to comment on anything  
outside their area of expertise.*

**Recognize and accept that  
all voices have value.**

*Your opinion and perspectives matter.*

*Please share your mana'o.*

*Respect the input and insights of others.*

**Stay on track.**

*Remember today's purpose  
is to exchange information in the  
time we have to guide next steps  
in the RPL exploration.*

# TEACH US

I am here today because I am most interested in learning about:

*Please place a sticky dot in one of the boxes below.*

<b>DATA</b> Could an RPL system provide additional information to support fishery management?	<b>COMMUNICATION</b> Could an RPL system improve communication between fishers and managers?	<b>FUNDING</b> Could an RPL system create a source of funding to support fisheries management?	<b>GOVERNMENT PROCESS</b> What government processes must be followed to create a fishing RPL system?
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I currently participate in one of these existing systems

*Please place a sticky dot in the all boxes that apply.*

Commercial Marine License	Recreational Fresh Water Game Fishing License	Hunting License	Bottomfish Fishing Vessel Registration
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# TEACH US

## What kind of fishing do you do?

*Please place a dot in all fields that apply.*

Boat-based  
fishing

Charter fishing

Charter fishing  
operator or owner

Spearfishing

Shoreline fishing

Native Hawaiian  
traditional fishing

Tackle supplier

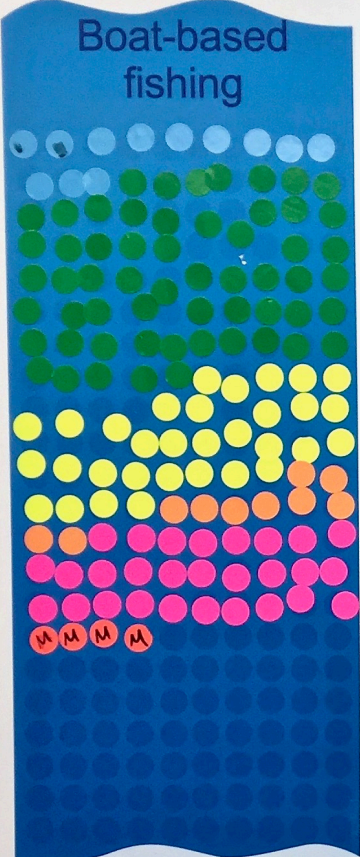
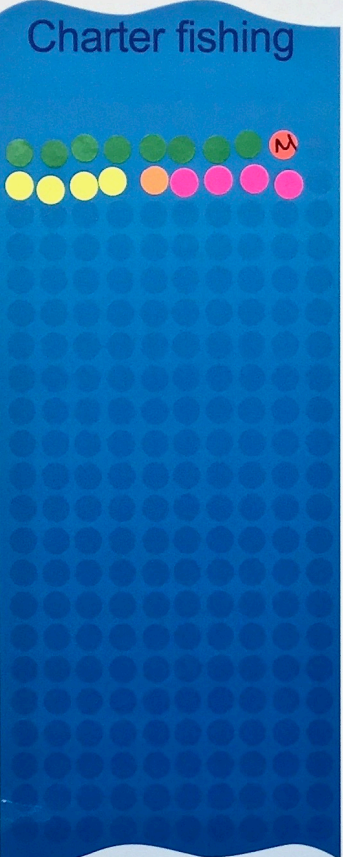
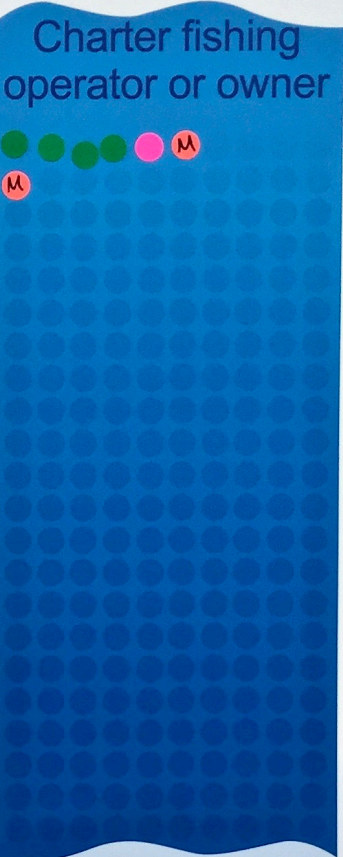
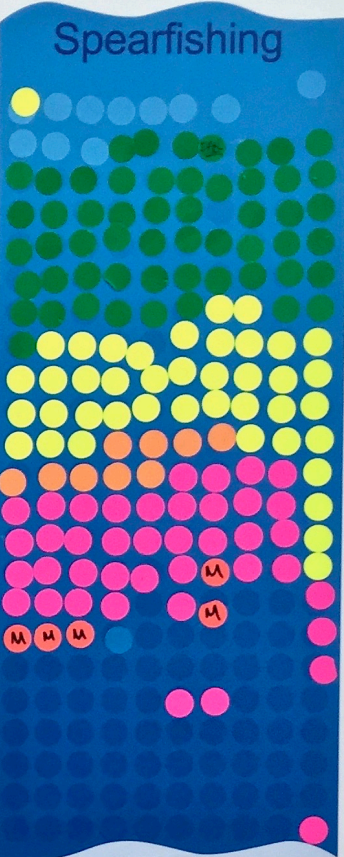
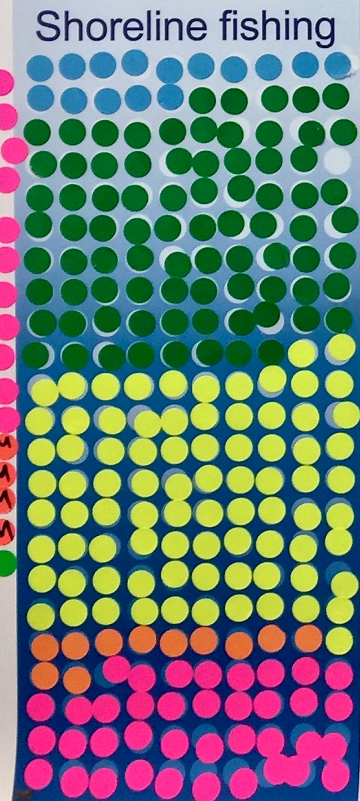
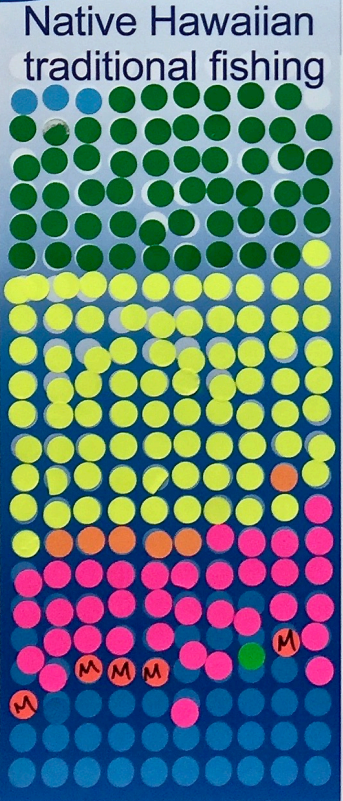
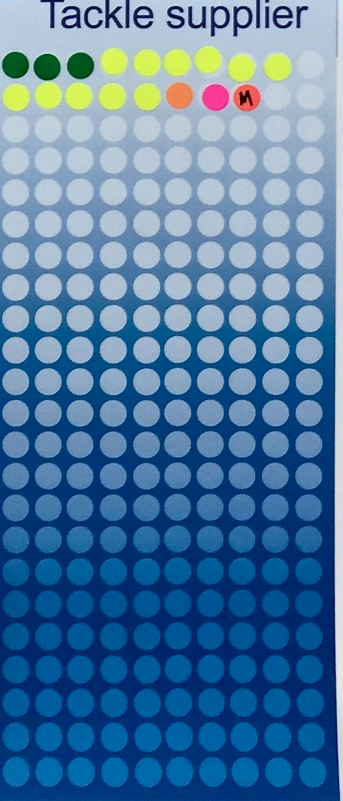
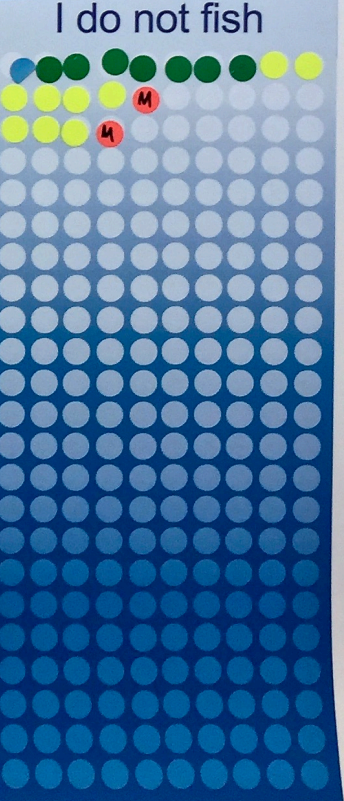
I do not fish



# TEACH US

## What kind of fishing do you do?

Please place a dot in all fields that apply.

Boat-based fishing	Charter fishing	Charter fishing operator or owner	Spearfishing
			
Shoreline fishing	Native Hawaiian traditional fishing	Tackle supplier	I do not fish
			



# TEACH US

## What kind of fishing do you do?

Please place a dot in all fields that apply.

The figure consists of four vertical panels, each representing a different fishing activity. Each panel has a grid of dots, with some dots colored red, green, or blue to represent different activity levels. The bottom of each panel is labeled with a category: Shoreline fishing, Native Hawaiian traditional fishing, Tackle supplier, and I do not fish.

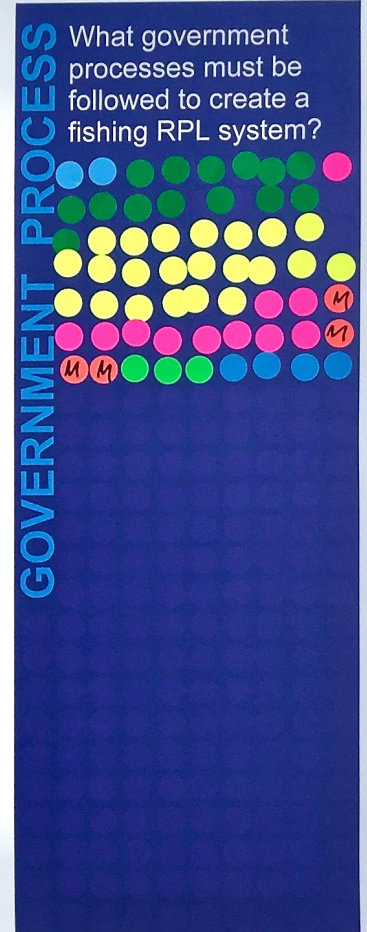
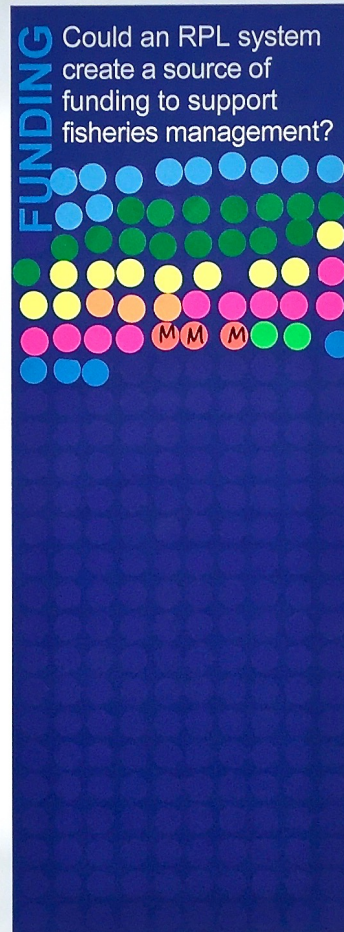
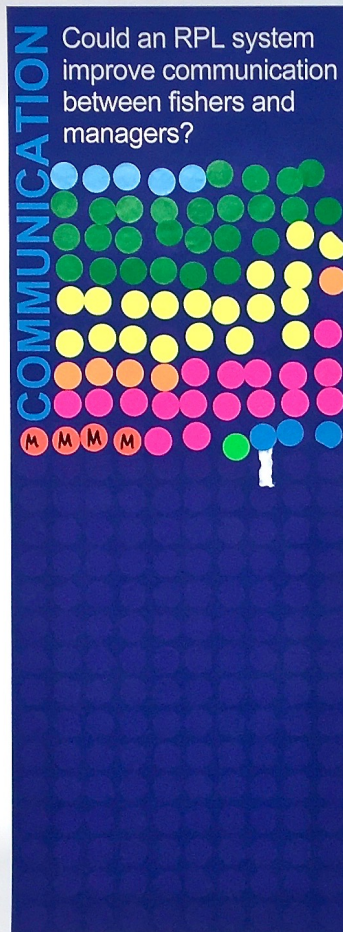
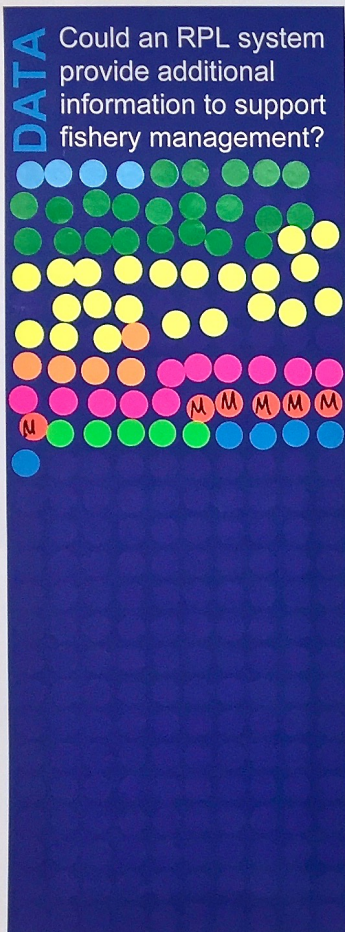
- Boat-based fishing:** The top of the panel is labeled "Boat-based fishing". The bottom is labeled "Shoreline fishing". The grid shows a high concentration of red dots in the top row, with a few green dots in the second row. The bottom row has a few blue dots.
- Charter fishing:** The top of the panel is labeled "Charter fishing". The bottom is labeled "Native Hawaiian traditional fishing". The grid shows a high concentration of red dots in the top row, with a few green dots in the second row. The bottom row has a few blue dots.
- Charter fishing operator or owner:** The top of the panel is labeled "Charter fishing operator or owner". The bottom is labeled "Tackle supplier". The grid shows a high concentration of red dots in the top row, with a few green dots in the second row. The bottom row has a few blue dots.
- Spearfishing:** The top of the panel is labeled "Spearfishing". The bottom is labeled "I do not fish". The grid shows a high concentration of red dots in the top row, with a few green dots in the second row. The bottom row has a few blue dots.



# TEACH US

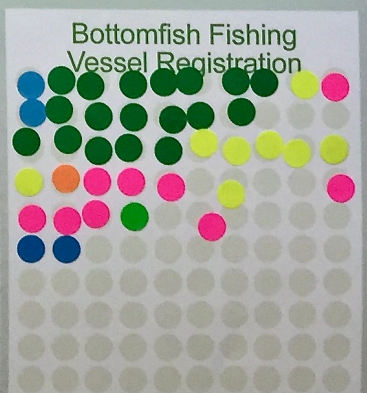
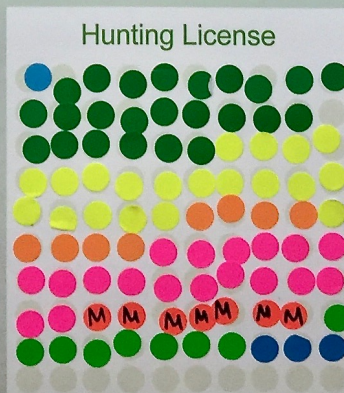
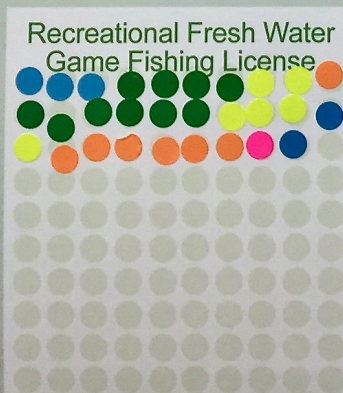
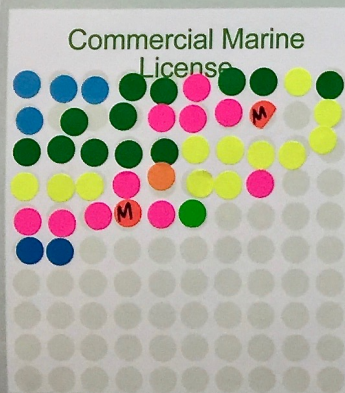
I am here today because I am most interested in learning about:

Please place a sticky dot in one of the boxes below.



I currently participate in one of these existing systems

Please place a sticky dot in the all boxes that apply.





# THE STUDY

## Timeline

### 1 Study Group Forms *May 2016*

Conservation International and the Western Pacific Regional Fishery Management Council invited a small group of fishers, managers, experts, and representatives of nonprofit groups to jointly look into the feasibility of creating a registry, permit, or license in Hawaii for noncommercial marine fishing. We wanted to take a fresh look at the issues and ask, "What would be the pros?" "What would be the cons?"

### 2 Research & Review *May - November 2016*

The Study Group members shared their diverse experiences and invited presentations from experts in and outside of Hawai'i. We interviewed staff from other states that had created a registry, permit, or license for non-commercial fishing. We also commissioned a detailed analysis on potentially impacted Native Hawaiian rights and a financial analysis of the potential costs and revenues from different fee scenarios.

### 3 Compiled Report *December 2016*

The Study Group created a report of what we found at the end of 2016. In it, we did not take a position on whether any option should be implemented, or if a specific option was preferred over others. We did provide over 20 recommendations of what should be done if any option were to be moved forward.

### 5 Study Group Outreach *July 2018 - Today*



## WE ARE HERE

In 2018, DAR contacted the Study Group saying it wanted to pursue legislation in 2019 to create a fee-based RPL System, but recognized that statewide outreach on the issues was still needed.

DAR asked the Study Group to share its report findings with stakeholders, statewide. The Study Group agreed to do it because we recognized that our report had not been shared as broadly as we had hoped and DAR's outreach capacity is limited. We took this opportunity to make progress on our outreach recommendation noted below.

### 4 Report Distributed *December 2016*

In December 2016, we sent the Study Group's Final Report to the Department of Land and Natural Resources, Division of Aquatic Resources (DAR). We also shared it widely with the public and it is still available online at <https://goo.gl/9JR7ME>.

One of the report's primary recommendations is to conduct extensive outreach, consultation, and discussions with stakeholders statewide before any decision-making on an RPL System.

We also recommended that our Study Group report be made available to the public as part of that statewide outreach.

**Our group has taken a neutral approach** to whether there should be a requirement or any preferences for a specific option. We recognize that outreach capacity with the fishing community is limited and **we have a sincere desire to ensure that fishers' voices are thoroughly gathered and documented**, enabling agencies to make informed decisions with its legislative efforts. This outreach is not being conducted by DAR or any other form of government.



# THE STUDY

## A Closer Look At The Issues Related to Non-commercial Marine Fishing

Conducted from May to December 2016, the purpose of the RPL Study Group was only to explore non-commercial fishing Registry, Permit and License (RPL) systems. The group has no collective position on a preferred system.

### DATA ISSUES

- Most of Hawaii's marine fisheries data comes from the 3,000 commercial fishers who hold fishing licenses & report their catch.
- No similar data is currently coming from Hawai'i's non-commercial fishers, including whether those fishers total 155,000 or 396,000 each year.
- Without a reliable number of non-commercial fishers, scientists cannot accurately estimate how many fish are being removed from Hawai'i's waters.
- Without good estimates, managers cannot make good decisions about how best to manage the fish stocks to ensure continued fishing in the future.



### OUTREACH ISSUES

- Currently, there is no way to know if all fishermen are notified about changes in fishing rules or any important meetings to discuss possible changes.
- Decision makers do not know how large the collective "voice" of fishers is and may not focus on what fishers think is most important to maintain fishing resources.
- Managers do not know if non-English speakers make up a large number of fishers and if they require language or cultural translation of rules and meetings.
- Many within the fishing community feel they are not being adequately notified or given the opportunity to become more involved.



### ENFORCEMENT ISSUES

- Statewide, DOCARE is responsible for enforcing Hawaii's natural resource laws from the mountains to the sea for approximately 1.4 million residents and 8.1 million annual visitors.
- At the time of this study, there were approximately 100 full-time DOCARE officers statewide, and roughly just 36% of DOCARE's time and resources was spent on aquatic resources enforcement.
- On Oahu, DOCARE officers must spend a lot of time enforcing rules in parks and harbors and on crimes like vandalism, theft, and other property crime.
- Many fishers argue that DOCARE's enforcement and monitoring efforts are seriously under-resourced.



### FUNDING ISSUES

- For nearly two decades, the percentage of state funds that Hawai'i spends on natural resource management has ranked near the bottom (between 45th and 48th) of the 50 U.S. states.
- State funds dedicated to fisheries management is approximately 0.014% of the State operating budget. Under current federal law, Hawai'i's share of annual federal sportfishing funds will not increase – it will remain at 1% of available federal funds.
- Many in the fishing community and the broader public view DLNR as lacking the funding required to effectively maintain the sustainability of fishing in Hawai'i's nearshore waters.
- Potential costs and revenues associated with the RPL Systems are described in a Financial Impact Analysis prepared by CI Hawai'i. A summary and link to the Analysis is provided in the handout below.



# THE STUDY

## A Closer Look at the Findings:

Conducted from May to December 2016, the purpose of the RPL Study Group was only to explore non-commercial fishing Registry, Permit and License (RPL) systems. The group has no collective position on a preferred system.

### Existing RPL Systems in Hawai'i

The Study Group reviewed some of the regulatory systems that are currently used by the State of Hawai'i for other natural resources, and focused on three license systems and one registry.

Some of these are longstanding systems. Others were created more recently, in response to the federal government's requirement that recreational marine fishers without a state-issued license, permit, or registration must register annually with the National Saltwater Angler Registry (NSAR) for a fee (currently \$29).

	COMMERCIAL MARINE FISHING LICENSE	RECREATIONAL FRESHWATER FISHING LICENSE	HUNTING LICENSE	BOTTOMFISH VESSEL REGISTRY
<b>YEAR ESTABLISHED</b>	1925	1949	1907	1998
<b>CURRENT HOLDERS (FY 2015)</b>	3,715	5,189	About 13,000	1,326
<b>CURRENT ANNUAL REVENUE GENERATED</b>	About \$300,000*	About \$25,000	About \$400,000 to \$500,000	\$0
<b>FEE STRUCTURE</b>	\$50 for residents and nonresidents	\$5 for residents and nonresident military personnel between 15 – 64 years; \$3 for residents 9 -15 years; \$25 for nonresidents not in military. Short-term non-resident licenses for \$10 - \$20	\$20 for residents under 65 years; \$105 for nonresidents. Also sell game tags and have special hunts.	Free, but required for anyone (not just the vessel owner) to legally fish for bottomfish from a vessel.
<b>FUND FOR REVENUES</b>	Commercial Fisheries Special Fund (HRS § 189-2.4)	Sport Fish Special Fund (HRS § 187A-9.5)	Wildlife Revolving Fund (HRS §183D-10.5)	No revenue generated
<b>FEE WAIVERS</b>		65 years and older	Over 65 years; Hansen's disease residents of Kalaupapa, Moloka'i	
<b>DURATION</b>	One Year	One Year	One Year	One Year
<b>STAMPS OR TAGS FOR EXTRA FEES</b>	Baitfish license	Not applicable	Game Birds; Special Lottery Hunts	Not applicable
<b>RESTRICTIONS ON USE OF REVENUES</b>	Can be used only for programs, activities, research, and personnel involved in conservation and management of aquatic life for commercial purposes	Federal Sport Fish Restoration laws and HRS § 187A-9.5 pertain	Funds can only be used for hunting related activities	No revenue generated
<b>PROVISIONS FOR NATIVE HAWAIIAN RIGHTS</b>	No	No	No	No

\* The Commercial Marine Fishing fee for nonresidents was reduced from \$250 to \$50 per year in 2015. That change is not yet reflected in annual revenue generated.

# RPL SYSTEMS

## Options At a Glance

<p>The Study Group examined four different non-commercial marine fishing RPL system options, as well as considering a 'do nothing' or status quo option in which nothing new is implemented. Three of the four RPL system options were based on existing systems used in other coastal states.</p>		<b>COMMUNICATIONS</b> System Strengthens Fishers' Voice, Improves Communication between Fishers and Managers	<b>DATA</b> System Provides Useful Information	<b>FUNDING</b> System Increases Funds for Fisheries Management and Enforcement
RPL System	System Elements			
<b>CURRENT SYSTEM</b>	Non-commercial marine fishing from the shoreline to three nautical miles out is legal for residents and non-residents of all ages without a license or registration and without paying any fees (except for bottomfish).	<i>This System Does NOT Fulfill This Objective.</i>	<i>This System Does NOT Fulfill This Objective.</i>	<i>This System Does NOT Fulfill This Objective.</i>
<b>FREE MANDATORY REGISTRATION</b>	Mandatory annual registration for all fishers over a certain age (often 16 yrs). No fee required.	✓	✓	<i>This System Does NOT Fulfill This Objective.</i>
<b>FEE-BASED LICENSE</b> with Fee Waivers or Reductions for Certain Categories of Fishers	Mandatory fee-based, annual license with fee waivers for certain categories of fishers (such as residents vs. non-residents, seniors, disabled, military, low income).	✓	✓	✓
<b>LOW-FEE LICENSE</b> with Permits or Tags at Additional Charge	<p>Mandatory low-fee, basic, annual license with the option to purchase special permits, tags, or stamps for special activities (such as different species or gear).</p> <p>Fees could be waived or reduced for certain categories of fishers (such as residents vs. non-residents, seniors, disabled, military, low income).</p>	✓	✓	✓
<b>FREE LICENSE</b> with Permits or Tags at Additional Charge	<p>Mandatory free, basic, annual license with the option to purchase special permits, tags, or stamps for special activities for additional fees.</p> <p>Fees could be waived or reduced for certain categories of people (such as residents vs. non-residents, seniors, disabled, military, low income).</p>	✓	✓	✓

# THE STUDY

## A Closer Look at the Findings:

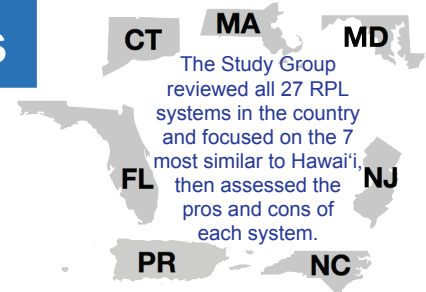
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## RPL System Options Pros & Cons

### LEARNING FROM OTHER STATES

As of 2016, all other coastal states, as well as Puerto Rico, have some form of mandatory, non-commercial marine fishing RPL System in place or pending.

Study Group members contacted officials responsible non-commercial marine fishing regulatory systems in other states to learn about how their systems were developed and how the systems addressed improving marine resource management.



RPL SYSTEM	PROS (POTENTIAL ADVANTAGES)	CONS (POTENTIAL DISADVANTAGES)
<b>CURRENT SYSTEM</b>	<ul style="list-style-type: none"> <li>+ No additional administrative burden</li> <li>+ All non-commercial marine fishing is free</li> <li>+ No push back from public who don't support change to status quo</li> </ul>	<ul style="list-style-type: none"> <li>- Don't know how many people are fishing</li> <li>- Difficult to contact, talk to or hear from fishers on important issues</li> <li>- Effective enforcement is difficult</li> <li>- No additional revenue for fisheries management</li> <li>- Risk of mismanaging the fisheries based on limited data</li> </ul>
<b>FREE MANDATORY REGISTRATION</b>	<ul style="list-style-type: none"> <li>+ Allows you to know who is fishing non-commercially</li> <li>+ May not cost as much to create &amp; maintain as other options</li> <li>+ Opportunity to enhance outreach and education</li> <li>+ All non-commercial marine fishing is free</li> </ul>	<ul style="list-style-type: none"> <li>- Difficult to get compliance</li> <li>- Limited in types of data collected</li> <li>- No additional revenue for administering the system</li> <li>- Limited usefulness for enforcement (registration cannot be revoked for not complying with rules and regulations)</li> <li>- Low incentive for fishers to register</li> </ul>
<b>FEE-BASED LICENSE</b> with Fee Waivers or Reductions for Certain Categories of Fishers	<ul style="list-style-type: none"> <li>+ Would produce more data on the universe of fishers</li> <li>+ Would generate new revenue source</li> <li>+ Could help with enforcement by providing greater authority to inspect</li> <li>+ Could be relatively easy to implement and comprehend</li> </ul>	<ul style="list-style-type: none"> <li>- A system with fee waivers or reduced fee licenses would be more complicated and could create enforcement challenges</li> <li>- Most fishers would have to pay to fish legally</li> <li>- Requires more funds to institute &amp; maintain</li> <li>- Waivers could result in less overall support and buy in</li> </ul>
<b>LOW-FEE LICENSE</b> with Permits or Tags at Additional Charge	<ul style="list-style-type: none"> <li>+ Similar to hunting license structure</li> <li>+ Would identify a more complete universe of fishers</li> <li>+ Would improve data on specific categories of fishing activity</li> <li>+ Would provide a cheaper and relatively easier option for fishers not engaged in stamp/permit/tag activities</li> <li>+ Would generate new revenue source through basic license and additional stamp/permit/tag fees</li> </ul>	<ul style="list-style-type: none"> <li>- May not generate enough funds - implementing a stamp &amp; tag system would be costly, but the most common fee collected would be low</li> <li>- May be complicated &amp; confusing</li> <li>- Could infringe on cultural rights</li> </ul>
<b>FREE LICENSE</b> with Permits or Tags at Additional Charge	<ul style="list-style-type: none"> <li>+ Free for most fishers</li> <li>+ May have a better compliance rate</li> <li>+ Capture basic info on all fishers while adding additional information about specific activities</li> </ul>	<ul style="list-style-type: none"> <li>- Revenues may not cover implementation costs</li> <li>- Could be seen as unfair targeting certain activities</li> </ul>



# THE STUDY

## Our Recommendations

**The group recommended several considerations for the future IF any of the RPL options are to be pursued at a later date.**

*Conducted from May to December 2016, the purpose of the RPL Study Group was only to explore non-commercial fishing Registry, Permit and License (RPL) systems. The group has no collective position on a preferred system. The conclusions and recommendations in the report are intended to help support informed discussions about the issue.*

### Gather Information

Gather information to understand better who is active in non-commercial fishing in Hawai'i.



### Community Outreach

Conduct statewide outreach with fishers and make the Study available to them.



### Protect & Dedicate Funds

Ensure that any funds collected from an RPL are protected and dedicated to managing marine fisheries.



### Establish Advisory Board

Establish an Advisory Board to help DAR improve communication and information exchange with fishers.



### Increase DOCARE Capacity

Increase presence of DOCARE officers when implementing an RPL and make sure they know and understand the communities of non-commercial fishers in the areas they are assigned.



### Address Native Hawaiian Concerns

Conduct outreach with the Native Hawaiian community to address concerns that traditional and customary fishing practices could be adversely affected.



# COMMUNICATION

## Info Booth Handout

### ❖ What is the current status of communication between fishers and fisheries managers?

- Citizens have established non-governmental groups for purposes such as “[helping] to organize and keep Pacific Island fishermen engaged and informed” (the **Pacific Island Fisheries Group**, or PIFG) and to “provide and promote the interests of fishermen through education, information, advocacy, improved economic efficiencies, and representation with a unified voice” (**Hawai’i Fishermen’s Alliance for Conservation and Tradition**, or HFACT).
- A governmental program with a similar goal of “increasing communication and collaboration” between fishers, managers, and scientists is the **Fisheries Extension Program** co-managed by DLNR and NOAA Fisheries.
- The State’s **Division of Aquatic Resources** (DAR) provides public outreach for nearshore marine resources, such as the DLNR Fisheries Talk Story Session.
- Federal agencies like the **National Oceanic and Atmospheric Administration’s** (NOAA) Fisheries Office and the **Western Pacific Regional Fishery Management Council** collaborate with DAR to provide outreach and education on fisheries issues in State waters that overlap with federal responsibilities, such as for bottomfish, major pelagic fisheries, and interactions with protected species.
- But without knowing who is *non-commercial* fishing, these state and federal agencies don’t know if their outreach and education efforts reach all the right people. For example, if a regulation is proposed that would impact spear or line fishers, there is currently no effective method to reach out to all active spear and line fishers to ask for their input on the proposed regulation. Or if a significant number of fishers speak a language other than English, information may need to be provided in a different language to be understood by the right people.
- Without knowing who is fishing, it’s very difficult to know if fishers have received sufficient notice and opportunity to provide input on important issues.

### ❖ How could a registry, permit, or license add to the communication that already happens?

- Our study found that all three options (registry, permit, or license) could provide fisheries managers with a **directory and contact information for active non-commercial marine fishers**.
  - Such a directory would give fisheries managers a way of knowing that all the active fishers had been contacted to invite them to meetings, announce changes to fishing regulations, or share other fishing news or events. The directory would also allow DAR to send fishers surveys and other requests for input and feedback on fishing-related issues.
- Depending on how it is designed, any form of registry, permit, or license system could provide a means for more two-way communication between fishers and the State. A fee-based permit or license may also be seen as an implied two-way contract or

understanding between fishers and the State that would bring with it expectations for better communication of rights, responsibilities, and fisheries management.

❖ Why might better communication with managers be valuable to fishers?

- Many fishers are interested in having **a greater voice and influence** on the laws, rules, and regulations that affect them. Knowing the number of non-commercial marine fishers who are active in Hawai'i and having current contact information available to engage them on relevant issues could give fishers a stronger voice in decision-making processes.

❖ Why might better communication with fishers that be valuable to managers?

- Depending on how it is designed, a registry, permit, or license system could provide opportunities for more focused outreach and education on fishing issues and more organized and **effective interactions** between State agencies and Hawai'i's various fishing communities than is currently possible. Other states, for example, use formal advisory groups to inform their state fisheries management agency on management priorities.
- A registry, permit, or license system could also make it **easier and more cost-effective to get information out** to license holders about updated or new spatial, temporal, gear or species related rules and restrictions.

❖ Were there examples of this in other U.S. states or territories?

- *Connecticut*: Uses the email addresses provided with license applications to reach out to fishers for management issues. It has been helpful and less expensive than having to use the mail to communicate. The list is also used to send out notifications about meetings and receive feedback from fishers.
- *Florida*: Uses the email addresses to send fishers news and other information related to saltwater fishing. Also use the list to identify potential stakeholders based on location when they are holding public workshops.
- *New Hampshire*: Use contact information from the saltwater recreational fishing license to email license holders about regulatory changes, particularly when regulations change mid-season after the rule books have been printed.
- *Rhode Island*: The fisheries agency in Rhode Island is required by statute to provide an annual budget report to a stakeholder advisory group that is made up of heads of various fishing organizations. The stakeholder group passes the information from the annual budget report on to their members.
- *Maryland*: Registered or licensed fishers can opt in for email contact from the fisheries department. This provides the department with a direct way to communicate with fishers and provide them with updates on rules.
- *Puerto Rico*: Internal surveys conducted by Puerto Rico's fisheries agency showed that only around 10% of the non-commercial fishermen had ever seen Puerto Rico's fishing regulations. The recreational saltwater license in development for Puerto Rico was expected to provide the agency with a way to distribute the regulations to a broader audience.

❖ What recommendations did the Study Group make related to two-way dialogue between fishers and fisheries managers?

- Establish a formal advisory board to consult with DAR to improve communication and information exchange on matters pertaining to non-commercial fishing in local waters.
- Ensure adequate representation on the advisory board from different segments of the fishing communities, both geographically and by type of fishing.
- Define and publicize lists of any special gear, restricted areas, or individual species, if a potential registry, permit, or license system considers charging permit fees for using special gear, fishing in restricted areas, or fishing for specific species.
- Undertake extensive outreach, consultation, and discussions with affected stakeholders statewide prior to and as part of the decision-making process.
- As part of any outreach effort, ensure that the Study Group's RPL Report is available to the public in general and to fishing stakeholders in particular.
- Improve the definition of "non-commercial fishing" and an understanding of the demographics of affected population segments, for example, the delineation between boat and shore-based fishers, their age, and their geographic distribution and how issues of sustenance and subsistence fishing apply.
- Consult with charter fishing industry representatives to identify registry, permit, and license elements that would work easily for charter patrons and businesses, and consider ways to use registry, permit, or license fees collected through charter operations to improve State infrastructure used by this industry.
- Undertake focused outreach and consultation with the Native Hawaiian community to determine how best to reach Native Hawaiian fishers and fisher groups, particularly in communities where fishing is important to subsistence and cultural practice. Address concerns that traditional and customary fishing practices could be adversely affected by a registry, permit, or license system or that exercising them could be construed as criminalized by a new registry, permit, or license system. Solicit Native Hawaiian views and opinions or analyses from recognized experts on acceptable approaches for avoiding these perceptions.
- Consult non-commercial Native Hawaiian fishing practitioners to identify practices that are a part of traditional subsistence, cultural, ceremonial, or religious activities. These may include types of gear, restricted areas or seasons, and high value species.
- Develop systems, trainings, and policies to avoid criminalization of native Hawaiian practitioners.
- If a permit or license system is implemented, provide a mechanism for Native Hawaiian non-commercial fishing practitioners to identify their traditional fishing area(s), types of gear, restricted areas or seasons, and specific species that are part of their traditional subsistence, cultural, ceremonial, or religious practices.
- Consider ways to combine any new registry, permit, or license system with other existing DAR fishing license programs, such as a combined non-commercial saltwater and freshwater system. Strive for simplicity for the users.

# DATA

## Info Booth Handout

### ❖ What information is currently available and how is it used?

- For fisheries management in marine waters, the State of Hawai'i does **surveys of fish and their habitat**, conducts **out-of-water surveys of fishermen and fishing activity**, and compiles **data provided from a commercial marine fishing license requirement**.
- Commercial marine licenses must be renewed every year, which tells DAR **how many commercial fishers are active** in Hawai'i waters in any given year.
- Commercial marine license holders are required to file **monthly catch reports** with the Division of Aquatic Resources (DAR).
- Based on this commercial catch report requirement, Hawai'i has detailed information about commercial fishing activity that dates back to the early 1900s!
- The catch reports that commercial fishers submit tell DAR the **type of fishing method that was used and for how long**, the **kind of fish that was caught**, the **number of fish that were caught**, and **how much those fish weighed**.
- DAR uses the information from the commercial catch reports to monitor the fisheries and assess the health of the marine resources in near-shore and offshore areas. DAR relies on the data that can be collected from all commercial fishermen to make recommendations and decisions on how to manage fisheries for the long-term.

### ❖ What information is currently not available?

- Unlike for commercial fishing, Hawai'i does not have a license requirement for non-commercial marine fishing. That means **data about how many people are non-commercial fishing is not available**.
- Data about the **type of fishing method used**, the **kind of fish caught**, the **number of fish caught**, and the **size of the fish caught is also not available** for non-commercial fishing.

### ❖ How would it make a difference to additional or better information about non-commercial marine fishing?

- In our study, we found that the more reliable the estimated of the number of fishers, the more reliable the estimates of the number of fishing trips and the amount of fish being caught.
  - Because Hawai'i does not have information or reports about non-commercial fishing activities, fisheries managers have to create estimates for all this unavailable information: the number of people who are non-commercial fishing, the number of fishing trips those people are taking, and how many fish they are catching.
  - We learned that there are different methods to estimate the number of people who are non-commercial fishing, and they create estimates that vary widely. The number of non-commercial marine fishers in Hawai'i has been estimated somewhere between 154,000 and 396,000.

- Since 1955, the U.S. Fish and Wildlife Service (USFWS) has partnered with the U.S. Census Bureau to collect phone survey information on fishing and hunting from each State every five years. Random telephone surveys cannot target fishers only. In-person surveys of fishermen on docks, harbors, and shorelines are expensive to repeat.

❖ Can a registry, permit, or license provide additional or better data?

- **Yes.** Our study found that all three options (registry, permit, or license) could provide more useful and complete data about the number of active non-commercial marine fishers.
- A statewide system could potentially give fishery managers a count of non-commercial fishers who participate in noncommercial marine fishing activities and comply with the registry, permit, or license system.
- A simple registry, permit, or license could create a “phonebook” of fishers to reach out to with voluntary surveys to ask for additional data, like how often they fished, what kind of fish they caught, and how many fish they caught. A more intensive registry, permit, or license could gather additional data, such as where fishers resided, their ages, and information about their typical fishing activities.

❖ What are examples of how this has worked in other states or territories?

- *New Hampshire:* A state saltwater license gave New Hampshire a directory of known saltwater fishers to improve the calculations used for their catch and harvest estimate efforts and make them more precise. This allowed New Hampshire to better understand the volume of saltwater fish being caught in its state waters.
- *Maryland:* A free registry was added to Maryland’s existing recreational saltwater license that provided exemptions for certain fishers. The combined license and registry provided better fisher estimates and a way to send fishers surveys requesting additional data.
- *Connecticut:* The email list from Connecticut’s saltwater license is used to send out a volunteer angler survey logbook, so fishers can voluntarily record their catch and effort.
- *Massachusetts:* The email list from Massachusetts’ saltwater license is used to send out surveys and get feedback from fishers.
- *New Jersey:* The emails from New Jersey’s online saltwater fishing registry are used to send out surveys to registered fishers.

❖ What recommendations did the Study Group make related to data?

- Consider ways to align any registry, permit, or license system with complementary data collection efforts that improve management of near-shore waters.
- Ensure that the State has specific plans for how data will be collected, used, and shared before data collection efforts begin. Conduct further research into any confidentiality and data protection issues that may apply.
- Research other possible mechanisms for producing additional information and data to support informed decision-making in non-commercial fishing management.

# FUNDING

## Info Booth Handout

Key Finding: It would be possible for a fee-based system to be designed in a way that would generate additional net revenue for fisheries management using a fee structure not unlike Hawai'i's existing freshwater fishing and game mammal hunting licenses fees.

❖ What are the current sources of funding for fisheries management in Hawai'i?

- Hawai'i's Legislature approves the annual budget for the Department of Land and Natural Resources, which includes the Division of Aquatic Resources (DAR). The Legislature allocates an amount of funding for DLNR from the **State's General Fund** (which holds taxes collected from all tax payers) and sets an amount that DLNR can spend from Special Funds that have been created to provide funding specifically for DLNR.
- A **Special Fund has been created to hold collected commercial marine fishing license fees**, and a different **Special Fund has been created to hold collected sport fishing license fees**. Both of these Special Funds provide funding specifically for DLNR to manage fisheries. The funding for fisheries management in Hawai'i includes these funding sources from the State, as well as allocated federal funds and awarded federal grants.
- The State of Hawai'i receives federal funding from the Dingell-Johnson/Wallop Breaux Act (often referred to as "**DJ Funds**"). Hawai'i is a state that receives only 1% of the available DJ funds, which has been approximately \$3.5 million per year. These DJ funds have made up about 40% of the annual budget for DAR.

❖ Will a registry, permit, or license create another source of funding?

- A **free registry would not create a new source of funding**. A fee-based permit or license system has the potential to generate revenue for DAR. However, the amount of revenue and net income created from a fee-based permit or license will depend on how it is designed and implemented.
- **Potential revenue from a fee-based permit or license will depend on the fee amounts to be charged**, the number of participating fishers, the expected compliance rates, and the costs to start-up and maintain the permit or license system over time. The Study Group had a preliminary financial analysis prepared of the potential licensing revenues and net income from two different fee scenarios.
  - The first fee scenario would charge \$15 per year for residents and \$35 per year for nonresidents.
  - The second fee scenario would charge \$5 per year for residents and \$25 per year for nonresidents.
  - The preliminary financial analysis showed that both scenarios would likely generate annual net income within a few years. It is important to note that the number of participating fishers will be reduced by any fee waiver categories that



are created (such as for children, seniors, veterans, Native Hawaiian, low-income, etc.).

❖ Will the funding be independent?

- **It depends.** If a fee-based, non-commercial, marine fishing permit or license were created and all the fees were deposited into the existing Sport Fish Special Fund, the Hawai'i Legislature could not use the license fees for something other than programs relating to fisheries management. This would allow the fees collected to create an independent source of funding for fisheries management.
- It's important to note that State law requires that fees collected from a "recreational" marine fishing permit or license be deposited into the Sport Fish Special Fund. It is less clear, however, if all fees from a "non-commercial" marine fishing permit or license would be treated the same way.

❖ Will the funding be continuous?

- To remain eligible for federal DJ funds, the State of Hawai'i cannot divert revenues from sport fishing license fees for purposes other than the administration of the State's fish and wildlife agency. With DJ funds making up nearly half of DAR's annual budget, it is in the best interest of the State of Hawai'i to remain eligible to receive DJ funds. This ensures that **the license fees would be a continuous source of funding for DAR for as long as the fees are collected.**
- It is important to note that the Hawai'i Legislature would not be prevented from possibly reducing the State General Funds allocated for fisheries management to compensate for anticipated income from fishing permits or licenses. Having a stronger enumerated fisher "voice" could help fishers advocate for preserving the existing funds allocated for fisheries management by the legislature and preventing such reductions in General Funds from occurring.

❖ Will the funding support effective fisheries management?

- **It depends.** Once deposited into the Sport Fish Special Fund, both federal and state law requires that the funds be used only for specific fisheries-related purposes. These uses are defined by statute, but all fishers may not agree that these uses are the only activities that support "effective fisheries management."
- Fees from a fee-based fishing permit or license could potentially be used to support fisheries enforcement activities, but would need to be carefully defined and accounted for in order to maintain the State of Hawai'i's eligibility to continue receiving the federal funds that support fisheries management.

❖ Were there examples of this in other U.S. states or territories?

- *Massachusetts:* Created a recreational saltwater fishing permit that charges the same fee to residents and visitors: \$10 per year. Massachusetts sells ~180,000 permits per year. The permit generates ~\$1.3-1.4 million per year in dedicated funds that are used only for enhancement of recreational saltwater fishing. A 5-member citizen advisory board advises the state's marine fisheries agency on how to spend the funds. The citizen advisory board

recommended that 1/3 of the permit funds be dedicated to public access for fishing, such as at fishing piers, waterfront property, ramps, etc.

- *North Carolina*: Recreational fishing license fees enabled North Carolina's fisheries agency to hire a full-time stock assessment scientist.
- *Maryland*: Created a task force to tell the fisheries department how to spend the new revenue from the license.

❖ What recommendations did the Study Group make related to funding to support effective fisheries management?

- Ensure that any and all funds collected from any form of registry, permit, or license system are deposited in the Sport Fish Special Fund and protected and dedicated to managing marine fisheries.
- Ensure that any funds derived from a fee-based registry, permit, or license system are additive. The addition of funds from any fee-based registry, permit, or license system should not replace or reduce General Funds and/or other funds currently supporting DAR or other DLNR divisions for fisheries management and conservation.
- Recognize that DLNR is already systematically under-funded and a new RPL system may not fully alleviate that situation for fisheries management.
- If any registry, permit, or license system is enacted, require that DAR provide annual reports. The annual reports should be provided to an advisory board prior to being released to the public. The annual reports should address the data collected and how it was used to support fisheries management. The report should also include the amount collected from fees (if applicable) and how they were spent to support fisheries management. If a portion of the fees are provided to conservation enforcement officers for aquatics enforcement, the report should also describe how those enforcement funds were spent. If data is collected, the report should summarize the preliminary data and include the refined findings when they are analyzed. At minimum, the report should summarize how fishermen benefit from the registry, permit, or license program.
- If a registry, permit, or license system is pursued that would generate additional net revenue, the use of that revenue should strive to meet the objectives of better data and enhanced information and dialogue described in the Study Group's report.
- If a fee-based license or permit is pursued, look into the advantages and disadvantages of creating different tiers of licenses (e.g., levels or categories, such as a single boat license that can cover several non-commercial fishers on the same boat).
- Continue to collect additional information from other states on their lessons learned, special issues, the social challenges that have arisen, and financial costs and benefits of how generated funds can and have been used. However, be conscious of demographic, geographic, historic, and cultural differences between Hawai'i and the other states in considering the adoption of any approaches.
- Carefully consider and conduct further analysis on the financial implications of prospective fee-waivers or exemptions from any potential registry, permit, or license system. Develop a more thorough understanding of the full range of costs the State may incur if it seeks to implement any of the registry, permit, or license systems we examined.

# GOVERNMENT PROCESSES

## Info Booth Handout

Key Finding: A new registry, permit, or license system cannot be created overnight.

❖ What government agencies would be involved in creating a fishing registry, permit, or license in Hawai'i?

- Under the Hawai'i Constitution, the State of Hawai'i has "the power to promote and maintain a healthful environment, including the prevention of any excessive demands upon the environment and the State's resources." The State also has the power to "manage and control the marine, seabed and other resources located within the boundaries of the State."
- The State of Hawai'i has transferred its authority over aquatic life to the **Department of Land and Natural Resources (DLNR)**, which must manage and administer the coastal areas of the State (except the commercial harbor areas) including aquatic life and all activities on or in the coastal areas.
- Currently, however, DLNR does not have statutory authority to require a permit or license for anyone taking or catching marine life for non-commercial purposes. To allow DLNR to issue and require a permit or license like that, the Hawai'i Legislature must amend an existing statute or create a new one to give DLNR the necessary authority. If the statute does not specify what fees would be charged (if any), the statute would have to also give DLNR the authority to set any permit or license fees by administrative rule. DLNR would also have to adopt administrative rules to provide all the details for how any non-commercial marine fishing registry, permit, or license would operate.

❖ Can a fishing registry, permit, or license be created tomorrow?

- **No.** The Legislature must amend an existing statute or create a new statute to give DLNR the authority to issue a non-commercial marine fishing permit or license. It is less clear if DLNR needs statutory authority to create a registry. The Legislature can amend an existing statute or create a new one only during the legislative session, which in Hawai'i starts every year in the third week of January and generally ends in May of the same year.
- All of the options—registry, permit, or license—would require rules to be created and adopted by DLNR through the specific rulemaking process defined by statute in Chapter 91 of the Hawai'i Revised Statutes. The rulemaking process can be initiated by DLNR at any time during the calendar year and does not have a specific deadline or timeframe to complete it. Informal interviews with DLNR staff have suggested that the rulemaking process generally takes DLNR approximately 8 months to a year to complete.

❖ Where does this meeting fit in to these processes?

- **This meeting is not a part of either the Legislative Process or the HAPA/Chapter 91 Rulemaking Process.** Those are government-led processes. This is not.

## **THE LEGISLATIVE PROCESS: A detailed look**

The creation of a statute requires a bill to be introduced to the Legislature for consideration. The Legislature is made up of two separate chambers: the Senate and the House of Representatives. Members of the Senate and the House are elected by popular vote to represent Hawai'i residents based on designated geographic districts. There are 25 members of the Senate, who are elected every 4 years. There are 51 members of the House, who are elected every two years.

If a bill is introduced on the Senate side, it will be considered by one or more committees of Senators before being passed over to the House of Representatives for consideration. The bill will then be considered by one or more committees of Representatives, where they may suggest changes to the bill. The changed version of the bill passes back to the Senate for consideration of the changes made by the House. A combined committee of Senators and Representatives will work to resolve any disagreements about the wording of the bill before it goes up for a final vote by the Senate, which introduced the bill. If the bill passes that final vote, it is sent to the Governor for signature.

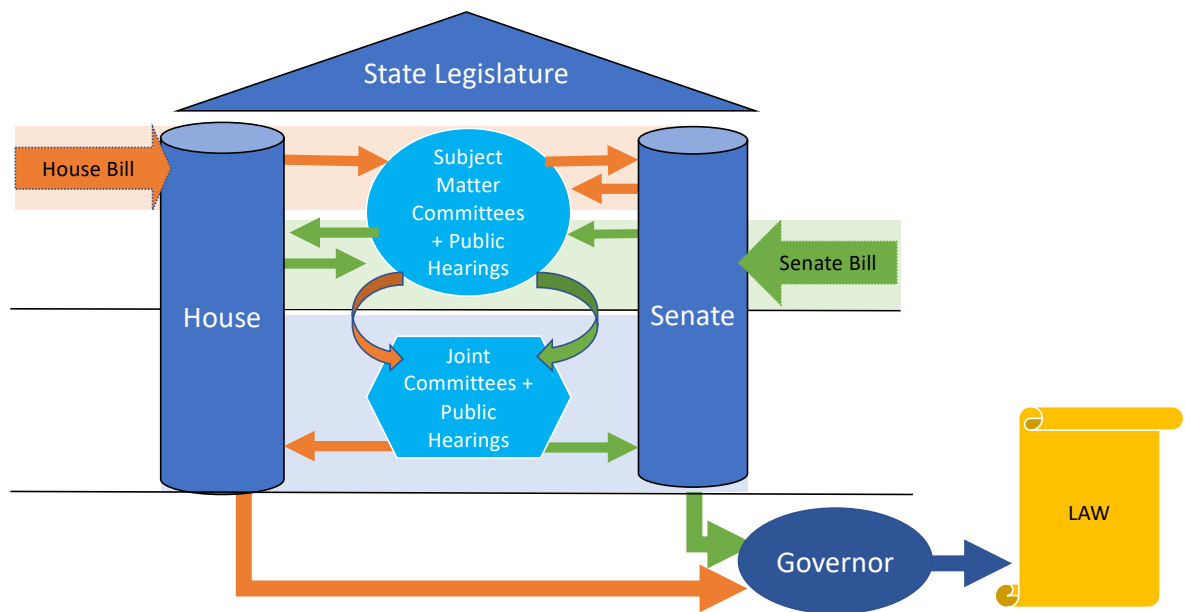
The same process is followed if a bill is introduced on the House side, with the bill switching from one chamber to the other for consideration and suggested changes, and a final version being up for vote by the House.

It is important to note that there are several opportunities during the legislative process for citizens to get involved and voice their opinion. One of the first opportunities is to talk to their elected Senators or Representatives, either to discuss specific issues or to request that they introduce, support, or oppose a bill on those issues. Public hearings are other important opportunities for citizens to get involved in the legislative process. Public hearings occur when the legislative committees hold a formal session to consider and discuss a bill that has been introduced. During these public hearings, interested members of the public are invited to present testimony on the proposed bill. Legislative committees often make changes to bills based on testimony that they receive from the public.

Once a bill has been passed by the Legislature and sent to the Governor for signature, the Governor has several options. First, the Governor can sign the bill, which will create a law that will be codified as a statute. Second, the Governor can decide to take no action on the bill. If the Governor takes no action, the bill will become law 10 days after it is sent to the Governor. Finally, the Governor can decide to veto the bill, which means it will be sent back to the Legislature. If a bill is vetoed, the bill can still become law, if two-thirds of all members of the entire Legislature vote in support of it.

### **Additional Information and Resources:**

- State Legislature FAQs: <https://www.capitol.hawaii.gov/faq.aspx>
- Citizen's Guide to the Legislative Process:  
<https://www.capitol.hawaii.gov/citizensguide.aspx>



## **CHAPTER 91 RULEMAKING PROCESS: A detailed look**

Once an executive branch agency, like DLNR, has all the necessary statutory authority it needs from the Legislature, it must create administrative rules that explain exactly how that authority is going to be used. For example, if the Legislature gives DLNR the statutory authority to issue fee-based permits or licenses, but the statute does not say how much should be charged, who should have to pay a fee, or how the permit or license can be purchased, those details must be proposed through administrative rules.

The administrative rulemaking process is defined by the Hawai'i Administrative Procedure Act (HAPA) codified as Chapter 91 of the Hawai'i Revised Statutes. This process must be followed by all state executive branch agencies to create their rules (unless there is a specific exemption provided in the law). Before adopting any new or amended rules, HAPA would require DLNR to give at least 30 days' notice of a public hearing that will be held about the proposed rules, including the date, time, and place where interested people can voice their opinion and be heard by DLNR about the proposal. DLNR must afford all interested people the opportunity to submit data, views, or arguments, orally or in writing, on the proposed rules, and DLNR must fully consider these submissions prior to adopting the proposed rules. After doing so, DLNR would have the discretion to make a decision on the proposed rules at the public hearing or to announce a later date when the decision will be made.

DLNR's decision to adopt or amend any rules would be subject to approval by the Governor. After approval by the Governor, the new or amended rules would have to be filed with the Lieutenant Governor. Once filed, the new or amended rules would become effective 10 days after filing, unless a later date is specified in the rule. Rules that are legally adopted by following the process set by HAPA have the force and effect of law.

### **Additional Information and Resources:**

- DLNR Administrative Rules and Notices: <http://dlnr.hawaii.gov/rules/>
- Chapter 91 of the Hawai'i Revised Statutes: [https://www.capitol.hawaii.gov/hrscurrent/Vol02\\_Ch0046-0115/HRS0091/HRS\\_0091-.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0091/HRS_0091-.htm)





# TALK STORY & COMMUNITY INPUT

This is a safe space to document your thoughts, ideas, suggestions and concerns. Please share your thoughts.

## 1 INFO YOU HAVE or NEED

Do you feel you have enough information to understand the RPL System options and to decide if you prefer one of them?

Check one:

- ☐ **YES**, I feel have enough information.
- ☐ **NO**, I feel I do NOT have enough information.
- ☐ **?** I prefer not to say, or I am not sure.

If you answered "No"

What additional information do you need to help you decide which RPL System, if an, you would prefer?



## 2 INFO DAR SHOULD HAVE and CONSIDER

If DAR (Division of Aquatic Resources) moves forward with trying to implement an RPL System, are there any other criteria, objectives, or factors they should consider?



What else do you feel this Study Group might include in a "Community Input Report" that could be helpful for decision makers as they review the various RPL System options?



## 3 RPL SYSTEM OPTIONS - SUGGESTIONS

Of the four RPL System options the Study Group researched, what suggestions or details can you offer to make one or more of the systems more desirable or acceptable?

**FEE-BASED LICENSE**  
*with Fee Waivers or Reductions for Certain Categories of Fishers*

**FREE MANDATORY REGISTRATION**

**LOW-FEE LICENSE**  
*with Permits or Tags at Additional Charge*

**FREE LICENSE**  
*with Permits or Tags at Additional Charge*

## 4 OTHER COMMENTS



Please share any additional comments, ideas, solutions, or unanswered questions you might have.

**MAHALO for your participation!**

# Online Comment Form: Hawai'i Fishing Information Exchange Series

Aloha,

We are members of a small study group of fishers, fisheries experts, fisheries resource managers, and representatives from fisher organizations and non-governmental groups that have been meeting for the last two years to look into the feasibility of creating a registry, permit, or license in Hawai'i for non-commercial marine fishing.

Our group published a report which explored different fishing registry, permit, and license options for Hawai'i. The report identifies areas of alignment and shared goals for a diverse set of people who are interested in ensuring abundant fisheries and non-commercial fishing traditions for future generations in Hawai'i. The report includes a detailed financial and legal analysis of issues that have been major points of dispute in the past. The report may not resolve these issues for everyone, but it provides information about these questions that has not been widely available in the past.

Our group has taken a neutral approach to whether there should be a requirement or any preferences for a specific option. Our work is not part of formal government rulemaking, and this outreach is not being conducted by The Division of Aquatic Resources (DAR) or any other form of government.

Our work is an attempt to provide the community with the information and tools necessary to have an informed discussion on the pros and cons of a registry, permit, or licensing system. We hope you find it useful and informative. We recognize that outreach capacity on fishing issues is limited and we have a sincere desire to ensure that fishers' voices are thoroughly gathered and documented, enabling all to make informed decisions about available options.

## ABOUT THIS COMMENT FORM:

The information & content below is currently being presented in 3-hour fishing information exchange meetings at locations across the state. If you have not been able to attend one of our exchanges, we wanted to provide another way for you to access some of the information we are sharing and seek your valuable input on specific 4 questions below.

## HOW WILL THE RESULTS BE USED:

The results will be compiled by the study group members and will be added to the input received from our 8 fishing information exchanges across the state. Your information will be included in a "community input report" that will be made available online to the public and state agencies.

Mahalo in advance for your valuable input.

\* Required

**1. Which island of Hawai'i do you reside on? \***

*Mark only one oval.*

- ☐ Hawai'i Island
- ☐ Maui
- ☐ Moloka'i
- ☐ Lāna'i
- ☐ O'ahu
- ☐ Kaua'i
- ☐ Ni'ihau
- ☐ I am not a resident of Hawai'i
- ☐ Other: \_\_\_\_\_

**2. Did you attend one of our 8 Fishing Information Exchange meetings?**

*Mark only one oval.*

- ☐ Yes
- ☐ No

**A Brief History of Our Group and Our Work Together:**

# THE STUDY

## Timeline

### 1 Study Group Forms

May 2016

Conservation International and the Western Pacific Regional Fishery Management Council invited a small group of fishers, managers, experts, and representatives of nonprofit groups to jointly look into the feasibility of creating a registry, permit, or license in Hawaii for noncommercial marine fishing. We wanted to take a fresh look at the issues and ask, "What would be the pros?" "What would be the cons?"

### 2 Research & Review

May - November 2016

The Study Group members shared their diverse experiences and invited presentations from experts in and outside of Hawai'i. We interviewed staff from other states that had created a registry, permit, or license for non-commercial fishing. We also commissioned a detailed analysis on potentially impacted Native Hawaiian rights and a financial analysis of the potential costs and revenues from different fee scenarios.

### 3 Compiled Report

December 2016

The Study Group created a report of what we found at the end of 2016. In it, we did not take a position on whether any option should be implemented, or if a specific option was preferred over others. We did provide over 20 recommendations of what should be done if any option were to be moved forward.

### 5 Study Group Outreach

July 2018 - Today



### WE ARE HERE

In 2018, DAR contacted the Study Group saying it wanted to pursue legislation in 2019 to create a fee-based RPL System, but recognized that statewide outreach on the issues was still needed.

DAR asked the Study Group to share its report findings with stakeholders, statewide. The Study Group agreed to do it because we recognized that our report had not been shared as broadly as we had hoped and DAR's outreach capacity is limited. We took this opportunity to make progress on our outreach recommendation noted below.

### 4 Report Distributed

December 2016

In December 2016, we sent the Study Group's Final Report to the Department of Land and Natural Resources, Division of Aquatic Resources (DAR). We also shared it widely with the public and it is still available online at <https://goo.gl/9JR7ME>.

One of the report's primary recommendations is to conduct extensive outreach, consultation, and discussions with stakeholders statewide before any decision-making on an RPL System.

We also recommended that our Study Group report be made available to the public as part of that statewide outreach.

**Our group has taken a neutral approach** to whether there should be a requirement or any preferences for a specific option. We recognize that outreach capacity with the fishing community is limited and **we have a sincere desire to ensure that fishers' voices are thoroughly gathered and documented**, enabling agencies to make informed decisions with its legislative efforts. This outreach is not being conducted by DAR or any other form of government.

RPL Study Group Information Exchange 2018

## The Study: A Closer Look at the Issues that Informed Our Work

# THE STUDY

## A Closer Look At The Issues Related to Non-commercial Marine Fishing

Conducted from May to December 2016, the purpose of the RPL Study Group was only to explore non-commercial fishing Registry, Permit and License (RPL) systems. The group has no collective position on a preferred system.

### DATA ISSUES

- Most of Hawaii's marine fisheries data comes from the 3,000 *commercial* fishers who hold fishing licenses & report their catch.
- No similar data is currently coming from Hawaii's non-commercial fishers, including whether those fishers total 155,000 or 396,000 each year.
- Without a reliable number of non-commercial fishers, scientists cannot accurately estimate how many fish are being removed from Hawaii's waters.
- Without good estimates, managers cannot make good decisions about how best to manage the fish stocks to ensure continued fishing in the future.



### OUTREACH ISSUES

- Currently, there is no way to know if all fishermen are notified about changes in fishing rules or any important meetings to discuss possible changes.
- Decision makers do not know how large the collective "voice" of fishers is and may not focus on what fishers think is most important to maintain fishing resources.
- Managers do not know if non-English speakers make up a large number of fishers and if they require language or cultural translation of rules and meetings.
- Many within the fishing community feel they are not being adequately notified or given the opportunity to become more involved.



### ENFORCEMENT ISSUES

- Statewide, DOCARE is responsible for enforcing Hawaii's natural resource laws from the mountains to the sea for approximately 1.4 million residents and 8.1 million annual visitors.
- At the time of this study, there were approximately 100 full-time DOCARE officers statewide, and roughly just 36% of DOCARE's time and resources was spent on aquatic resources enforcement.
- On Oahu, DOCARE officers must spend a lot of time enforcing rules in parks and harbors and on crimes like vandalism, theft, and other property crime.
- Many fishers argue that DOCARE's enforcement and monitoring efforts are seriously under-resourced.



### FUNDING ISSUES

- For nearly two decades, the percentage of state funds that Hawaii spends on natural resource management has ranked near the bottom (between 45th and 48th) of the 50 U.S. states.
- State funds dedicated to fisheries management is approximately 0.014% of the State operating budget. Under current federal law, Hawaii's share of annual federal sportfishing funds will not increase – it will remain at 1% of available federal funds.
- Many in the fishing community and the broader public view DLNR as lacking the funding required to effectively maintain the sustainability of fishing in Hawaii's nearshore waters.
- Potential costs and revenues associated with the RPL Systems are described in a Financial Impact Analysis prepared by CI Hawaii. A summary and link to the Analysis is provided in the handout below.



RPL Study Group Information Exchange 2018

## RPL Options at a Glance: What We Evaluated and Compared

# RPL SYSTEMS Options At a Glance

<p>The Study Group examined four different non-commercial marine fishing RPL system options, as well as considering a 'do nothing' or status quo option in which nothing new is implemented. Three of the four RPL system options were based on existing systems used in other coastal states.</p>		<b>COMMUNICATIONS</b> System Strengthens Fishers' Voice, Improves Communication between Fishers and Managers	<b>DATA</b> System Provides Useful Information	<b>FUNDING</b> System Increases Funds for Fisheries Management and Enforcement
RPL System	System Elements			
<b>CURRENT SYSTEM</b>	Non-commercial marine fishing from the shoreline to three nautical miles out is legal for residents and non-residents of all ages without a license or registration and without paying any fees (except for bottomfish).	<i>This System Does NOT Fulfill This Objective.</i>	<i>This System Does NOT Fulfill This Objective.</i>	<i>This System Does NOT Fulfill This Objective.</i>
<b>FREE MANDATORY REGISTRATION</b>	Mandatory annual registration for all fishers over a certain age (often 16 yrs). No fee required.	✓	✓	<i>This System Does NOT Fulfill This Objective.</i>
<b>FEE-BASED LICENSE</b> <i>with Fee Waivers or Reductions for Certain Categories of Fishers</i>	Mandatory fee-based, annual license with fee waivers for certain categories of fishers (such as residents vs. non-residents, seniors, disabled, military, low income).	✓	✓	✓
<b>LOW-FEE LICENSE</b> <i>with Permits or Tags at Additional Charge</i>	<p>Mandatory low-fee, basic, annual license with the option to purchase special permits, tags, or stamps for special activities (such as different species or gear).</p> <p>Fees could be waived or reduced for certain categories of fishers (such as residents vs. non-residents, seniors, disabled, military, low income).</p>	✓	✓	✓
<b>FREE LICENSE</b> <i>with Permits or Tags at Additional Charge</i>	<p>Mandatory free, basic, annual license with the option to purchase special permits, tags, or stamps for special activities for additional fees.</p> <p>Fees could be waived or reduced for certain categories of people (such as residents vs. non-residents, seniors, disabled, military, low income).</p>	✓	✓	✓

RPL Study Group Information Exchange 2018

## RPL System Options: Pros & Cons We Identified



# THE STUDY

## A Closer Look at the Findings:

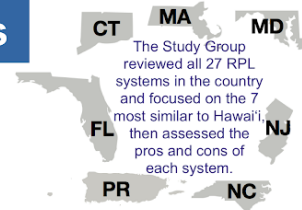
Conducted from May to December 2016, the purpose of the RPL Study Group was only to explore non-commercial fishing Registry, Permit and License (RPL) systems. The group has no collective position on a preferred system.

### RPL System Options Pros & Cons

#### LEARNING FROM OTHER STATES

As of 2016, all other coastal states, as well as Puerto Rico, have some form of mandatory, non-commercial marine fishing RPL System in place or pending.

Study Group members contacted officials responsible non-commercial marine fishing regulatory systems in other states to learn about how their systems were developed and how the systems addressed improving marine resource management.



RPL SYSTEM	PROS (POTENTIAL ADVANTAGES)	CONS (POTENTIAL DISADVANTAGES)
<b>CURRENT SYSTEM</b>	<ul style="list-style-type: none"> <li>+ No additional administrative burden</li> <li>+ All non-commercial marine fishing is free</li> <li>+ No push back from public who don't support change to status quo</li> </ul>	<ul style="list-style-type: none"> <li>- Don't know how many people are fishing</li> <li>- Difficult to contact, talk to or hear from fishers on important issues</li> <li>- Effective enforcement is difficult</li> <li>- No additional revenue for fisheries management</li> <li>- Risk of mismanaging the fisheries based on limited data</li> </ul>
<b>FREE MANDATORY REGISTRATION</b>	<ul style="list-style-type: none"> <li>+ Allows you to know who is fishing non-commercially</li> <li>+ May not cost as much to create &amp; maintain as other options</li> <li>+ Opportunity to enhance outreach and education</li> <li>+ All non-commercial marine fishing is free</li> </ul>	<ul style="list-style-type: none"> <li>- Difficult to get compliance</li> <li>- Limited in types of data collected</li> <li>- No additional revenue for administering the system</li> <li>- Limited usefulness for enforcement (registration cannot be revoked for not complying with rules and regulations)</li> <li>- Low incentive for fishers to register</li> </ul>
<b>FEE-BASED LICENSE</b> with Fee Waivers or Reductions for Certain Categories of Fishers	<ul style="list-style-type: none"> <li>+ Would produce more data on the universe of fishers</li> <li>+ Would generate new revenue source</li> <li>+ Could help with enforcement by providing greater authority to inspect</li> <li>+ Could be relatively easy to implement and comprehend</li> </ul>	<ul style="list-style-type: none"> <li>- A system with fee waivers or reduced fee licenses would be more complicated and could create enforcement challenges</li> <li>- Most fishers would have to pay to fish legally</li> <li>- Requires more funds to institute &amp; maintain</li> <li>- Waivers could result in less overall support and buy in</li> </ul>
<b>LOW-FEE LICENSE</b> with Permits or Tags at Additional Charge	<ul style="list-style-type: none"> <li>+ Similar to hunting license structure</li> <li>+ Would identify a more complete universe of fishers</li> <li>+ Would improve data on specific categories of fishing activity</li> <li>+ Would provide a cheaper and relatively easier option for fishers not engaged in stamp/permit/tag activities</li> <li>+ Would generate new revenue source through basic license and additional stamp/permit/tag fees</li> </ul>	<ul style="list-style-type: none"> <li>- May not generate enough funds - implementing a stamp &amp; tag system would be costly, but the most common fee collected would be low</li> <li>- May be complicated &amp; confusing</li> <li>- Could infringe on cultural rights</li> </ul>
<b>FREE LICENSE</b> with Permits or Tags at Additional Charge	<ul style="list-style-type: none"> <li>+ Free for most fishers</li> <li>+ May have a better compliance rate</li> <li>+ Capture basic info on all fishers while adding additional information about specific activities</li> </ul>	<ul style="list-style-type: none"> <li>- Revenues may not cover implementation costs</li> <li>- Could be seen as unfair targeting certain activities</li> </ul>



3. **Based on the information we have shared from our study, do you feel you have enough information to understand the RPL system options and to decide if you prefer one of them?**

*Mark only one oval.*

- ☐ Yes
- ☐ No
- ☐ I prefer not to say, or I am not sure
- ☐ Other: \_\_\_\_\_

4. **If you answered "no," what additional information do you need to help you decide which RPL system, if any, you would prefer?**

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5. **If The Division of Aquatic Resources (DAR) moves forward with trying to implement a Registry, Permit, or License System, are there any other criteria, objectives, or factors they should consider?**

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6. **What else do you feel this Study Group might include in a "Community Input Report" that could be helpful for decision makers as they review the various RPL system options?**

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7. Of the four RPL system options the Study Group researched, what suggestions or details can you offer to make one or more of the systems more desirable or acceptable? (1. Fee-based license, 2. Free Mandatory Registration, 3. Low-Fee License, 4. Free License)

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8. Please share any additional comments, ideas, solutions, or unanswered questions you might have.

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9. **OPTIONAL:** Would you like to receive a copy of the study group's community input report? If so, please provide your email below. Any and all comments will be unassociated with this email, and this will not subscribe you to any future email lists.

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**Mahalo for taking the time to provide your valuable feedback. We value your input and respect your privacy. As such this comment form will remain anonymous and will close on December 20th 2018.**

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